

BEST AVAILABLE COPY

66291-330

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATT: OFFICE OF PATENT LEGAL ADMINISTRATION

**RECEIVED
CENTRAL FAX CENTER**

SEP 12 2006

| | |
|--------------------------------|------------------------------|
| In re Application of: |) PATENT |
| |) |
| Hans BJORKLUND |) Group Art Unit: 2125 |
| |) |
| |) Confirmation No. 2195 |
| |) |
| Serial No. 10/025,963 |) Examiner: J. GANDHI |
| |) |
| Filed: December 26, 2001 |) |
| |) Via Facsimile 571-273-8300 |
| FOR: SUBSTATION CONTROL SYSTEM | |

REQUEST FOR CORRECTION TO PATENT TERM ADJUSTMENT

ATT. NANCY JOHNSON, SENIOR PETITIONS ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 12, 2006

Dear Sir:

Applicant requested a correction to the patent term adjustment on May 31, 2006.

The Applicant received a Decision on Petition on Sept 11, 2006 denying the petition for 120 additional days.

Applicant hereby requests reconsideration for the reasons set forth below.

On August 28, 2004 Applicant filed an amendment to the drawings. The amendment included an Annotated sheet of drawings and a Replacement sheet.

On November 1, 2004, applicant received a Notice of Allowance, accompanied by a Notice of Allowability.

The Notice of Allowability indicated that the drawing corrections filed August 28, 2004 were acceptable but that a replacement sheet was required.

Rather than argue that the Replacement sheet had already been filed, Applicant simply filed a new drawing on November 10, 2004.

BEST AVAILABLE COPY

Unfortunately, the Applicant filed a different version of the earlier filed drawing. The new drawing while not exactly the same as the drawing filed on August 28, 2004, is a drawing showing the same features and elements. The drawing does not have certain printed legends and additional reference numbers are shown. Despite these insignificant differences, the drawings are the same.

In addition, the drawing being replaced is a depiction of the prior art. It is not necessary for a complete disclosure of the invention, and it does not show claimed subject matter not already shown in the remaining drawings. Thus, the drawing, although technically different, does not in any way affect the disclosure of the invention.

It appears that the Notice of Allowability incorrectly required a new drawing, even though the Replacement sheet had already been filed. Indeed, the drawings appear in the PAIR record.

Regrettably, the Applicant responded to the incorrect request for a new drawing without realizing that the new drawing was a different version of the Replacement sheet which had already been filed and accepted by the Examiner.

Therefore, Applicant requests that the filing of the drawings after the mailing of the Notice of Allowance be ignored for purposes of determining the Patent Term Adjustment, and that the 120 days requested be restored.

It appears that the PTO did not correctly recognize the timely filing of the Replacement sheet of drawings on August 4, 2004, and Applicant unnecessarily and erroneously filed a different version of the drawing figure required.

Applicant's representative discussed this matter with Nancy Johnson, Senior Petitions Attorney on September 12, 2006. The Petitions Attorney suggested that Applicant's representative file a supplemental paper, requesting reconsideration, as the Notice of Allowance incorrectly required a replacement drawing which had been already filed, and which had been approved by the Examiner.

If additional fees are required, the Director is authorized to charge deposit account 04-2223 or credit any overpayment thereto.

BEST AVAILABLE COPY

DYKEMA GOSSETT PLLC
1300 I Street, N.W., Suite 300 West
Washington, D.C. 20005
(202) 906-8600

Respectfully submitted,



John P. DeLuca
Registration No. 25,505

DC01\109248.1
IDVPD